



## OFFICE OF THE POLICE COMMISSIONER

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October 16, 2012

**CHAN**

Memorandum for: Deputy Commissioner, Trials

Re: **Police Officer Tammy Hudson-Savage**  
Tax Registry No. 914500  
32 Precinct  
Disciplinary Case No. 85817/09

The above named member of the service appeared before Assistant Deputy Commissioner Claudia Daniels-DePeyster on March 16, 2011 and was charged with the following:

### **DISCIPLINARY CASE NO. 85817/09**

1. Said Police Officer Tammy Hudson Savage, while assigned to the Applicant Processing Division, on or about June 2, 1994 through January 6, 2009, did knowingly associate with Person A, a person reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities.

#### **P.G. 203-10, Page 1, Paragraph 2(C)      PUBLIC CONTACT –PROHIBITED CONDUCT - GENERAL REGULATIONS**

2. Said Police Officer Tammy Hudson-Savage, while assigned as indicated in Specification #1, on or about May 1, 2006 through November 12, 2006, believing it probable that she was rendering aid to a person who intends to commit a crime, did engage in conduct which provided such person with means or opportunity for the commission thereof and which fact aids such person to commit a felony. (As amended)

#### **NYS PENAL LAW SECTION 115.00 (1)      CRIMINAL FACILITATION IN THE FOURTH DEGREE**

3. Said Police Officer Tammy Hudson-Savage, while assigned as indicated in Specification #1, on or about June 10, 2009, did fail and neglect to properly safeguard her service firearm, to wit, a Sig Sauer Serial #U512252.

#### **P.G. 204-08, Page 2, Paragraph 7      FIREARMS GENERAL REGULATIONS UNIFORMS AND EQUIPMENT**

**POLICE OFFICER TAMMY HUDSON-SAVAGE**  
**DISCIPLINARY CASE NO. 85817/09**

In a Memorandum dated August 23, 2011, Assistant Deputy Commissioner Claudia Daniels-DePeyster found Respondent Hudson Savage Guilty of Specification Nos. 1 and 3, and Not Guilty of Specification No. 2, in Disciplinary Case No. 85817/09. Having read the Memorandum and analyzed the facts of this matter, I approve the findings, but disapprove the penalty.

The misconduct which Respondent Hudson-Savage has been found guilty of in the above referenced matter warrants separation from the Department. However, in consideration of her service record, I will allow a manner of separation other than dismissal from the Department. It is therefore directed that an immediate post-trial vested-interest retirement agreement be implemented with Respondent Hudson-Savage. Respondent Hudson-Savage shall immediately file for Vested Interest Retirement, forfeit all time and leave balances, including Terminal Leave and suspension days (with and without pay) previously served, if any, forfeit thirty (30) suspension days (to be served), and retire while on full-duty status. Respondent Hudson Savage shall also be immediately placed on One-Year Dismissal Probation.

Such Vested-Interest retirement shall also include Respondent Hudson-Savage's written agreement to not initiate administrative applications or judicial proceedings against the New York City Police Department to seek reinstatement or return to the Department. If Respondent Hudson-Savage does not agree to the terms of this Vested-Interest retirement as noted, this Office is to be notified without delay. This agreement is to be implemented **IMMEDIATELY**.



Raymond W. Kelly  
Police Commissioner



POLICE DEPARTMENT

August 23, 2011

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Tammy Hudson Savage  
Tax Registry No. 914500  
32 Precinct  
Disciplinary Case No. 85817/09

The above-named member of the Department appeared before me on March 16, 2011, charged with the following:

1. Said Police Officer Tammy Hudson-Savage, while assigned to the Applicant Processing Division, on or about June 2, 1994 through January 6, 2009, did knowingly associate with Person A, a person reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities.

P.G. 203-10, Page 1, Paragraph 2 (C) – PUBLIC CONTACT – PROHIBITED CONDUCT - GENERAL REGULATIONS

2. Said Police Officer Tammy Hudson Savage, while assigned as indicated in Specification # 1, on or about May 1, 2006 through November 12, 2006, believing it probable that she was rendering aid to a person who intends to commit a crime, did engage in conduct which provided such person with means or opportunity for the commission thereof and which fact aids such person to commit a felony. (*As amended*)

NYS PENAL LAW SECTION 115.00 (1) CRIMINAL FACILITATION IN THE FOURTH DEGREE

3. Said Police Officer Tammy Hudson-Savage, while assigned as indicated in Specification #1, on or about June 10, 2009, did fail and neglect to properly safeguard her service firearm, to wit, a Sig Sauer Serial # U512252.

P.G. 204 08, Page 2, Paragraph 7 FIREARMS GENERAL REGULATIONS UNIFORMS AND EQUIPMENT

COURTESY • PROFESSIONALISM • RESPECT

The Department was represented by Javier Seymore, Esq., Department Advocate's Office, and Respondent was represented by Craig Hayes, Esq.

Respondent, through her counsel, entered a plea of Guilty to Specification Nos. 1 and 3, and Not Guilty to Specification No. 2. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent, having pleaded Guilty, is found Guilty of Specification Nos. 1 and 3. Respondent is found Not Guilty of Specification No. 2

SUMMARY OF EVIDENCE PRESENTED

The Department's Case

The Department called Detective Shalay Ward as a witness.

Detective Shalay Ward

Ward, a 17-year member of the Department, was assigned to Internal Affairs Bureau (IAB) Group 32 on January 5, 2009. The IAB Command Center received a telephone call from Lieutenant Lott of the 73 Precinct Detective Bureau pursuant to her investigation into a domestic assault allegation with a complainant by the name of Person B (Person B). Person B had made the allegation that Person A (Person A), whom she had a child in common with, was engaged in criminal activities with a police officer named "Tammy." Person B provided a license plate number of the vehicle

belonging to the police officer. The Command Center did a license check on the plate number and it came back to Respondent.

When it was determined that Respondent was the owner of the vehicle, members of Group 32 went and conducted an interview with Person B. Person B alleged that Person A had bragged to her on occasion that Respondent had given him her ID card to scan so that he could make replicas. He also bragged that he had taken Respondent's firearm, but gave it back to her a few days later because she needed it for work. Ward testified that Person B provided copies of Department replica ID cards made by Person A to the 73 Squad, which IAB eventually received copies of.

Ward stated that an E-Justice background check was then done on Person A by members of Group 32. When she reviewed the report, Ward found that Person A had a criminal history of approximately ten arrests and convictions dating from 1983. Ward also read that in 2006 Person A was arrested for criminal impersonation of a police officer. Ward obtained Person A's arrest file from the Queens District Attorney's office and found that Person A had had on his person a replica Department ID card with the name of Person C (Person C), as well as other replica IDs and credit cards [Respondent's Exhibit (RX) 1 is a one-page document obtained from the Queens District Attorney's (DA) office. It shows three photocopies, front and back, of a uniformed member of the service ID card with the name of Person C]. The date of birth on the ID card was [REDACTED] and there was a photo of Person A. The tax ID number was the same tax ID number as Person C, except the numbers were inverted, with the number four changed to a five. Person C's tax number was [REDACTED] and the tax number on the ID card was 661959.

Ward next contacted Person A's parole officer, Marie Felix Jones (Jones) to find out if she had ever spoken to Respondent or had ever come into contact with Respondent at Person A's residence. She was also looking to conduct an interview with Person A and wanted to know his whereabouts. Jones had never spoken to or seen Respondent but expected Person A at her office at some point that day. Ward asked for a phone call when Person A arrived at Jones' office so her group could come in and interview him. Ward received the phone call later that day and her group went in and interviewed Person A at the parole office. Person A admitted that he knew Respondent and that they were childhood friends. They had been involved in an intimate relationship in the past. Person A denied using Respondent's ID card or ever having possessed her firearm. Person A indicated that Respondent was aware of his criminal history because she had bailed him out of a New Jersey prison in 1993. He also indicated that he had spoken to her the day before the interview and had seen her a couple weeks prior to that. Ward then contacted the New Jersey court to try and retrieve any proof that Respondent was there, including any documentation that Respondent may have signed. However, due to the time frame, the records had been purged.

During his interview, Person A had stated that when Respondent bailed him out she went with a woman named Person D (Person D), whom Person A had a child in common with, as well as another unidentified woman name Person E. Ward contacted Person D who indicated that she recalled responding with Respondent to a jail to bail out Person A, but that she was not sure of the jail's location.

After the interview, Ward called the 73 Precinct so they could come in and effect their arrest of Person A. She also called the Document Fraud Investigations Unit so they

could come in and conduct an interview with Person A. The Document Fraud Investigations Unit executed a warrant at Person A's residence and retrieved four Department replica IDs with one black female appearing on all IDs with four different names, along with social security numbers, check stocks, credit cards, and banking information. During the search warrant there was no information recovered that related to Person C. However, IAB Group 51, the Impersonations Unit, had documents related to Person C in the case folder from Person A's arrest in 2006. Ward retrieved copies of these documents [RX 2 is a one page document showing two photocopies front and back of a New York State driver's license with client ID # [REDACTED] and the name Person C]. Ward stated that when she conducted a background check on the client ID number it came back to Person C and the address on the card came back to the address Person C had used when he started the application process to be a police officer. She explained that Person C had come on the job in 2006 so the application process occurred in 2005, at which time Respondent was working in the Applicant Processing Division (APD).

Ward testified that she provided the Integrity Control Officer (ICO) of the APD with a list of all the names that were recovered from all the ID cards to run a cross-reference with the applicant list to see if any of the names were applicants for the Department. She learned that Person C was an applicant and Respondent was his investigator. Ward herself ran a cross-check on the names for DMV and found that a majority of the ID numbers were invalid, as well as the names. The only valid name and ID number was Person C's.

From IAB Group 51's case folder, Ward also retrieved a replica Department ID card with the name on the front scratched off. The expiration date was also partially scratched off with only the year 2011 remaining. On the back of the card, the name was scratched off and the date partially scratched off, leaving only the month, [REDACTED], legible. [RX 3 is a one page document showing a photocopy of a Department ID card with a handwritten note from Ward indicating the date of birth [REDACTED] and where the copy of the card was obtained]. Ward learned Respondent's date of birth, [REDACTED], during her review of IAB's case file.

Ward then dumped the LUDS and tolls of both Person A's and Respondent's phone records.<sup>1</sup> She found that there were approximately 26 calls between Person A and Respondent from the time period of around April 2008 through January 2009, with the longest call lasting approximately seven minutes. Six of the calls were from Respondent to Person A, seven from Person A to Respondent, and some undetermined. Ward testified that she placed a controlled phone call to Respondent, informing her that she was Person A's parole officer, and Person A had given her Respondent's contact information for her to vouch for his character. Respondent identified herself as a police officer and stated that since his previous release from prison, Person A had not been in any trouble and was doing very well. She stated that she kept in contact with him, but only through a land line.

Ward spoke with Person C to find out if his identity had been compromised in any way. Person C indicated that he was not aware of any compromise to his identity and that he had never lost his Department ID card. Ward did not recall if she asked Person C for \_\_\_\_\_

<sup>1</sup> "LUDS" refers to the acronym for local usage details, logs of incoming and outgoing calls from a specific phone number.

his date of birth but had known it was [REDACTED] previously. During the investigation of Person A's residence, IAB also found a replica Department ID with the name of Person C and the correct date of birth. [DX 4 is a one page document showing a photocopy of the front and back of a Department ID card with the name Person C. DX 4 has a photograph of Person A on it and contains the same signature that appears on DX 1. The date of birth on DX 4 is [REDACTED] whereas the date of birth on DX 1 is [REDACTED].] Ward testified that she contacted the Shield Unit to find out the expiration year on Respondent's ID card when she noticed that one of the ID cards had an expiration year of 2011. She found out that the expiration date was April 25, 2011. Based on her review of the IDs, the expirations years were identical to the ID cards that were recovered in Person A's possession.

In April of 2003 there was a proffer of Person A at the Kings County DA's office. Ward stated that she was not present during the proffer but that she obtained information from the proffer indicating that Person A stated Respondent accompanied him to a gun shop on Fort Hamilton Parkway, where he purchased a .9 millimeter handgun using an ID card that he produced using Respondent's ID card as a template. Person A also stated that Respondent went to his apartment sometime in May of 2006 and that she allowed him to make a copy of her Department ID card. He stated that she never gave him her gun, nor did he take it away from her, and he indicated that she was aware of his activity of creating replica ID cards. Based on this information, the group tried to locate the gun store but it was no longer in operation. Ward's commanding officer was able to locate the family that owned the gun shop and review their records. From these records, Ward was unable to make a connection with Person A purchasing a firearm from that location.

Ward went to Respondent's command to remove her firearm to test for ballistics to determine if it had ever been used in a crime. Respondent did not have her firearm on her person but stated that it was in her residence. Ward's group accompanied Respondent to her residence along with her ICO, Lieutenant Kimball. Ward, along with Respondent, went into her bedroom to retrieve her firearm where she recovered it from off the floor beneath some clothing.

On July 7, 2009 Ward conducted an official Department interview with Respondent. Respondent initially stated that she had not seen Person A for almost ten years. She had no contact with him and had not spoken to him. Respondent was provided with information from the phone records, and she then admitted that she had spoken to him. She stated that she called him sometime in October or November of 2008 because her identity had been compromised and she wanted to inquire Person A about one of her credit card accounts. Prior to her informing Ward of this, she was asked if she was aware of Person A's criminal arrest history and she stated that she knew he had been arrested in the past but that she did not know why he had been arrested. Ward asked Respondent why she contacted Person A if she did not have any information on his previous arrests. At that point, she admitted that she knew he had been arrested in the past for fraud. She stated that he informed her that he was not responsible and advised her to contact the local credit bureaus and to shut down her account. Respondent stated that she had never been to Person A's residence, that he had never been to hers, and she denied allowing him to use her ID card for scanning. She denied allowing Person A to take her firearm or be in possession of her firearm. When asked if she had ever gone to a gun shop with Person A to purchase a firearm she responded that she had not but later

changed her answer saying she did not recall the incident. Respondent also denied providing Person A with Person C's information.

Once the official Department interview of Respondent was completed, Ward learned of another proffer that Person A had completed on August 31, 2009. Ward reviewed the notes of the file from that proffer and learned that Person A indicated that Respondent did provide him with Person C's information for the purpose of him creating an ID card. Ward was not aware of any preferential treatment or plea offered to Person A based upon his cooperation in the investigation. Ward stated that she did not have the authority to make cooperation deals with individuals who assist with her investigations.

During cross-examination, Ward further revealed that Person A had priors for attempted murder, robbery in the first degree, burglary, criminal impersonation, possession of a forged instrument, and larceny, and that she had access to the entire case folder as to what was recovered from his apartment during search warrants for all arrests in his past. Ward agreed that one way that people engaged in identity theft was to obtain information from the post office because in the mail, someone may have driver's license information, credit card information, bank statements, etc., which can be used to assume someone's identity.

Ward acknowledged that she had had a conversation with a postal inspector, Person F (Person F), regarding an arrest of Person A from November 12, 2006. On that date Person A was arrested for burglary for breaking in and trying to steal mail from a postal facility. Person F indicated that Person A had a police identification card during his burglary and he was shocked at how authentic it had appeared. Ward also had a case

folder retrieved from ADA O'Neil regarding a 2006 arrest of Person A for impersonating a police officer and had prepared a worksheet to document steps she took during the investigation of the case. An inventory of the material taken from that arrest included: a photocopy of a replica Department ID card with Person A's photo and the name Person C; a photocopy of a replica Army ID card with a female's photo and the name Person G; a photocopy of four separate New York State driver's licenses, three with Person A's photo with three different aliases and one with a photo of the same female pictured on the army ID; six credit cards with five different aliases; photocopies of the mail that Person A was trying to steal; and a copy of a Sergeant Edmund Fong's memo book.

After Person A's arrest in January 2009, Ward made an inventory of what was recovered during the search warrant of Person A's apartment which included the following: counterfeit government ID cards; over 250 personal identifiers; checks stocks with names and account numbers; a computer tower and laptop; memory sticks; a PVC machine for producing ID cards; a heat seal laminating machine; two color scanners; a bail bondsman shield; blank white cards with a magnetic strip; four Department precinct replica ID cards (the same photo appeared on each with the names Person H, Person I, Person J, and Person K); a Department shirt; and a photo of Person A wearing a Department shirt along with an unidentified female. Fraud Investigations assisted Ward in her investigation by giving her some information about what was recovered from Person A as well. A worksheet was prepared (worksheet 34) which laid out what type of information they obtained. Person A had information on 700 separate employees and customers in several states from the following businesses: Tatacon

Incorporated, Zirh Holdings, and Bank of America. Among the extensive information Person A had from the employees and customers were dates of birth, social security numbers, salaries, home addresses, copies of the employees' paychecks, e-mail addresses, bank account numbers, ATM card numbers, PIN numbers, security questions and answers. There was also sensitive customer information such as names, home addresses, and PIN numbers for about 19 separate banks including Wells Fargo, Fifth Third Bank, and Heartland Bank. Ward agreed that Person A was very capable of identity theft.

Ward acknowledged that she had prepared worksheet number 62, which indicated review of Detective Baez's case folder and laid out in writing all the IDs that were recovered from Person A. The IDs contained photographs of Person A and other unidentified female and male blacks. Among the inventory were: 30 New York State ID cards, one California driver's license, a Georgia driver's license, a Florida's driver's license, three New York State benefit cards, and 25 Army ID cards from the government, totaling 63 different IDs from seven different sources.

Ward explained that during her interview with Person A she asked him how he was able to produce the replica Department IDs and Person A replied, "Around 1993, he took a picture using a digital camera of an unidentified (unknown to him) police officer who had his identification card around his neck. Person A indicated that when the identification card flipped over, he took a photograph of the rear. He stated that he does not recall where he was when he took the photo and the officer was not aware that he was being photographed. He also indicated that he visited the Department websites, copied the emblems he needed, and with the photograph he had, he was able to produce the ID

card." When questioned further, Person A admitted that he had a Department template on his computer and that he knew Respondent. However, he indicated that he has never approached Respondent with regard to gaining access to her ID card because he respected her and did not want to cause her any problems with the Department. He indicated that he and Respondent were childhood friends and that she had been his girlfriend when he was younger.

Ward agreed that at no time did Person A implicate Respondent and accuse her of producing information of her ID card. She also agreed that Person A never said that Respondent ever gave him information about someone she was investigating. Person A never mentioned the name Person C during his interview.

Shortly after Ward's interview with Person A was arrested. Ward acknowledged that Person A was facing felony charges from the Kings County DA's office. Ward produced another worksheet on January 21, 2009, worksheet number 29, labeled "case classification." The investigating officer classified the case as B3 for the following reasons, "A, severity factor is medium. There is an allegation of serious misconduct where if found guilty the subject officer would be terminated from the Police Department, but the DA most likely would not prosecute the case criminally. B, evidence factor is low. No physical evidence exists. A witness exists, but credibility is questionable." Ward explained that the witness was Person A and she made the determination of his lack of credibility after speaking with him and reviewing his background.

Ward agreed that during her investigation of Person A, she tried to establish whether or not there was any connection at all between Respondent and Person A and

found that at no time did Respondent ever visit Person A in jail. Nor did Respondent ever provide money to Person A's commissary or contact parole with regard to Person A at any time. Ward admitted that there was also surveillance done of Respondent and nothing of note was seen or improper. A BADs check was done to see if Respondent had ever run Person A's name or any of the other names involved in this case and found that there were no computer checks done. The only connection that was found between Respondent and Person A was that Person C was investigated by Respondent during her time in APD.

Ward acknowledged that there were two interviews with Respondent, her official Department interview and another on April 7, 2009. Worksheet 60 was produced during the proffer by Ward's Commanding Officer, Captain Mainolfi. Ward agreed that although the proffer states that Respondent accompanied Person A to purchase a firearm in 1992, she was not yet a police officer so the occurrence could not have happened. This was not stated in the worksheet. Ward also agreed that when she reviewed the gun shop records, she found that every single purchase was made to a legitimate member of the service, either retired or active. Ward also ran a FINEST request for Respondent and received her birth date, [REDACTED].

To try to verify Person A's story, Ward's group enlisted the assistance of IAB Group 7. Group 7 did an analysis and review of Person A's computer and gave information on the results to Ward who produced a worksheet on their findings. The worksheet created June 9, 2009 and titled "Group 7 results," stated the following, "On the above date and time, Captain Mainolfi was informed that Group 7 has completed the analysis of Person A's computer and was not able to find the [Respondent's] ID

card." Based on this information, Ward admitted that Person A seemed to have lied when he stated that he made the Department IDs using a template on his computer since Group 7 was unable to find anything.

Ward admitted that there was another check with Employee Management on the serial number of the ID cards found on Person A's computer (worksheet 76). On this worksheet Ward wrote, "On the above date and time, Captain Mainolfi conferred with the Employee Management Division in regards to serial number 8234562 which was on the rear of the NYPD ID card that was in Group 51's case folder regarding the 2006 arrest of Person A... This is the ID card which bears Person A's photo with the name Person C." Ward agreed that it looked as if Person A had made up a serial number for the ID card in question. She also agreed that during an interview of Person C stated that at his former address the mail was out in the open in a box which was easily accessible and it was possible that Person A stole Person C's identity by stealing his mail.

Ward agreed that during his second interview in April, Person A changed his story with regard to how he made the ID cards, implicating Respondent in obtaining the identification from her. Subsequent to this interview, Ward wrote down that Person A's credibility was questionable. Ward agreed that during her investigation, Person A told IAB two extremely different stories as to how he obtained the Department ID cards.

During redirect examination, Ward testified that, to her knowledge, Person C did not have a P.O. Box at the post office where Person A was arrested. Ward testified that, regarding worksheet number 29, she had classified the case as a B3 during the beginning stages of her investigation. She stated that although she did not

know whether the case was upgraded, based on the facts she had and her knowledge, she would have upgraded the case further into the investigation.

Ward testified that Person A told her in May of 2006 that he was able to obtain Respondent's identification card. However, the search warrant where Person A's computer was recovered, and the subsequent analysis of the computer completed by Group 7, occurred in January of 2009, nearly three years later.

Ward testified that when she had her first interview with Person A, he was under no obligation to talk to her. She also stated that Person A's parole officer did not force him to speak to her. At no point during the conversation did Person A attempt to evoke his Fifth Amendment right. Every time Ward had interviews with Person A, she would follow up on the information Person A gave him.

During recross-examination, Ward denied that a lot of information Person A provided during her investigation led to a dead end.

With regard to the alleged gun sale, Ward agreed that there have been gun sales from stores that went to the public that went undocumented. She also agreed that a gun sale that did not have proper paperwork would constitute a crime.

Ward stated that in 1994, Respondent was a police officer when she bailed Person A out of jail.

#### Respondent's Case

Respondent testified in her own behalf.

Respondent

Respondent, an 18-year member of the Department, is currently assigned to the 32 Precinct. She had previously been assigned to APD for approximately five years, from December 2004 until November 2009, where she investigated the new recruits who wished to become police officers, school safety agents, and 911 operators. Respondent stated that her average workload was about 20-30 cases every other day and she had inherited about 500 cases when she was assigned to the division.

Respondent stated that while she was working at APD she never took her work home with her. In doing investigations, she did obtain personal information on Department forms from the applicants. Respondent stated that she kept all the forms filed in the office and never kept applicants' personal information on her person. She said that she had never been instructed in training about the need for confidentiality, but that she had known anyway because of common sense.

Respondent testified that she had met Person A when she was 15 years old. She was living in a co-op on [REDACTED], where she currently resides. Person A had lived in the same co-op at the time. When she met Person A the two dated for approximately six to eight months. They have not had an intimate relationship since that time. In 1982, Respondent's mother sent her to North Carolina for three years. Respondent stated that her relationship with Person A changed as an adult and they had a platonic friendship.

In 1994 she saw Person A for the first time on a train going to work. She had just become a police officer and informed Person A of this as they talked on the train. Respondent stated that she met Person A's girlfriend at the time, Person D, who was also

the mother of his child. Respondent subsequently became aware that Person A had a criminal record when she was contacted by Person D to go and sign Person A out of the prison in New Jersey. Respondent went with Person D to the New Jersey prison but never contacted anyone in the Department, neither IAB nor her ICO, to ask them if it was permissible for her to do such a thing. She testified that she was not aware that she was supposed to do so because she was new at the job and did not realize she had done anything wrong. At the time Respondent was a rookie officer. When Respondent went to New Jersey she found out the details of the crimes that Person A had been charged with, and even further details during her official Department interview.

Respondent continued to have sporadic contact with Person A in violation of the Patrol Guide, although she did not realize it at the time. She testified that she did not know that speaking on the phone with Person A was considered criminal association. Respondent stated that she did cease contact with Person A after her official Department interview.

Respondent testified, with regard to Specification Number 3, that her firearm was at home because she had gone to a funeral a couple of days earlier and had taken it home. She had put two large laundry bags and three blankets on top of the firearm and had put it in the bag because she had come home with some family from the funeral and did not want them to see her put her weapon in the safe. She then forgot that she had put the firearm in the laundry for the next two days. At the time she was working at the APD so she testified that it was easy for her to forget her firearm was not on her. She realized that a firearm cannot be kept in such a manner and has taken steps to avoid doing that again by only leaving it in her locker at work or her safe at home.

Respondent stated that she had never given her Department ID card to Person A. She stated that she never went with him to a gun store to assist in the purchase of a handgun. She never purchased a handgun for Person A, nor gave him any handguns. In her career, Respondent has only owned one handgun which was the service weapon given to her at the Academy. Respondent stated that she never disclosed any personal information about any candidates she investigated to Person A. She never disclosed to him information regarding Person C. She testified that at the stages of investigation that she was involved in, the officer candidates have not been issued their tax numbers yet. Once she was done with her investigation she would put the information she obtained in a file in the office until it is suggested by a superior that the case be closed. Respondent stated that this process could take months. Once all the information that was needed for the case to be closed was obtained, Respondent would close it and hand it to her supervisors. When someone was approved by the unit, the file would go to the supervisor and at that point a different unit handles the actual hiring and training of the officer. Respondent was not involved in the issuance of identification to police officers when she was at APD. She was also not involved in the issuance of tax numbers. Respondent testified that at no point did she ever disclose any confidential personal information about anyone involved in her investigations to Person A or anyone else.

During cross-examination, Respondent revealed that she had previously been charged with failure to safeguard her weapon and falsifying a report during her 18-year career with the Department. These charges occurred in October of 1994.

When asked if she had access to find out an individual's tax number while working at APD, Respondent replied that she was not able to unless she called the

individual's command and asked for it. She denied ever needing to call a command and get a tax number from an individual during her career with the Department. She denied that she had access to any type of directory where she could look at and obtain tax numbers.

Respondent did not recall investigating Person C while at APD. She denied any knowledge of how Person A obtained the address of Person C that was used when Person C applied for the Department. Respondent stated that she neither gave Person A access to her ID card nor provided him with a copy of it. She stated that at no point could Person A have had access to her ID without her knowledge. At no point did Person A visit Respondent at her work place.

Respondent testified that aside from telephone calls, she did not have any other contact with Person A over the years. Respondent said the telephone contact started when Person A would call her whenever he would get out of jail. Conversations were approximately five minutes long and the two usually discussed whether Person A was staying out of trouble. Respondent stated that at no point did she attempt to visit Person A while he was living with Person B. Respondent denied seeing any of Person A's children since 2004. Respondent did not know how Person B obtained her license plate number to provide to the IAB Command Center.

### FINDINGS AND ANALYSIS

#### Specification No. 1

Respondent stands charged herein in that while assigned to the Applicant Processing Division, on or about June 2, 1994 through January 6, 2009, did knowingly

associate with Person A, a person reasonably believed to be engaged in, likely to engage in, or to have engaged in criminal activities. Respondent having pleaded Guilty to this Charge and Specification is found Guilty.

Evidence adduced at trial established that Respondent, while a rookie police officer, on or about 1994, bailed a childhood friend, Person A (Person A) out of a New Jersey prison. Although Respondent initially tried to deny any contact with Person A in her official Department interview, IAB investigator Ward testified that a review of Person A's and Respondent's phone records revealed that approximately 26 phone calls were made between them during the period April 2008 through January 2009. Ward was able to determine that six of the calls were from Respondent to Person A. Even a controlled call to Respondent by Ward (where Ward pretended to be Person A's parole officer trying to establish Person A's character through Respondent) revealed that Respondent had been in telephone contact with Person A since his release from prison. Respondent later acknowledged her contact with Person A during her interview.

Accordingly, Respondent having pleaded Guilty to Specification No. 1 is found Guilty of Specification No. 1.

Specification No. 2

Respondent stands charged herein with a violation of Penal Law section 115.00, Criminal Facilitation in the Fourth Degree, "on or about May 1, 2006 through November 12, 2006" a time during which she was assigned to the Applicant Processing Division. The Specification alleges that Respondent "believing it probable that she was rendering aid to a person who intends to commit a crime, did engage in conduct which provided

such person with means or opportunity for the commission thereof and which fact aids such person to commit a felony." Respondent is found Not Guilty of this charge.

The theory of the Department's case is that Respondent aided Person A in obtaining information on a Department applicant, Person C, who eventually became a police officer. Evidence adduced at trial established that Respondent worked in APD from December 2004 until November 2009, where she investigated applicants for the position of police officer.

The investigation of Respondent began when IAB received an allegation against her as part of a domestic violence complaint filed at the 73 Precinct. Person B, the complainant, claimed that Person A, a man that Person B had a child in common with, was engaged in criminal activity with a police officer named, "Tammy." Person B provided a license plate number which came back to Respondent.

Person B alleged that Person A bragged to her that Respondent had given him her ID card so that he [Person A] could scan it and make replicas. Person B provided Department replica ID cards made by Person A. Person B further stated that Person A bragged that Respondent lent him her firearm, but he gave it back to her after a few days because she needed it for work.

Ward, an investigator from IAB Group 32 interviewed Person A who denied using Respondent's ID to make replica Department IDs or ever having possessed her firearm. Respondent acknowledged that she knew Person A because they were childhood neighbors who had been involved with each other when they were young. She denied giving Person A her ID or firearm.

The Department's Document Fraud Investigation Unit executed a warrant at Person A's home. They found four replica Department IDs, along with social security numbers, check stocks, credit cards and banking information.

Ward obtained documents contained in the case folder from a previous arrest of Person A in 2006. Contained in the folder were a New York State driver's license with a client ID No. and the name Person C. Ward testified that when she conducted a background check of that information, it came back to a Police Officer Person C. The address on the license came back to an address that Person C used at the time when he started the application process to become a police officer. She further surmised that because Person C became a police officer in 2006 his application process occurred in 2005 at which time Respondent was working in APD. It was based on this investigation, that the conclusion was drawn that Respondent gave Person C's information to Person A.

Other information that Ward used to draw the conclusion Respondent was facilitating Person A's criminal activity was contained in a proffer agreement Person A entered into with the Kings County DA's office in April 2003. Ward testified that the proffer indicated that Person A stated that Respondent accompanied him in 1992 to a gun shop on Fort Hamilton Parkway in Brooklyn where he purchased a .9 millimeter handgun using an ID card that he produced using Respondent's ID card as a template. Person A also stated that Respondent went to his apartment, allowed him to copy her Department ID card and was aware of his activity of creating replica ID cards.

The problem with this proffer is that Respondent did not become a police officer until 1994, so Person A could not have used Respondent's police ID card in any way in 1992 as that card had not come into existence at that point in time. In addition, IAB

conducted a thorough investigation into the records kept by the now closed gun shop. The investigation revealed that every single gun purchase recorded was to a legitimate member of the service either active or retired. Further, the only firearm that Respondent ever purchased was the one service revolver that she used for work.<sup>2</sup>

Ward then enlisted the help of IAB Group 7 to do an analysis of Person A's computer. The Group found no evidence of either Respondent's ID or a Department template. The Assistant Department Advocate argued that maybe Person A had a different computer when he obtained the information from Respondent. However, this Court cannot make a finding adverse to Respondent based on mere speculation.

Police Officer Person C was interviewed during the course of this investigation. He told IAB that to his knowledge, his identification was never compromised and that he never lost his ID card. He did state, however, that at his previous address when he applied as an applicant to the Department, his mail was out in the open in a box which was easily accessible, and that it was possible that Person A stole his identity by stealing his mail.

It is worth noting that during the course of the investigation into Person A's background, information was ascertained from Postal Inspector Person F regarding Person A's arrest on November 12, 2006. On that date, Person A was arrested for burglary—breaking into and trying to steal mail from a postal facility. Person F indicated that Person A had a police identification card on his person during the burglary and he was shocked as to how authentic it appeared. Person A was also arrested for impersonating a police officer and an inventory of the items retrieved during the arrest

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<sup>2</sup> There is no indication in the record as to whether these allegations, made in 2003 were investigated at that time.

was made. Person A had: a replica Department ID card with his photo and the name Person C; a replica army ID with a female's photo and the name Person G; a photocopy of four, separate New York State driver's licenses, three with Person A's photo with three different aliases and one with a photo of the same female pictured on the army ID card; six credit cards with five different aliases; photocopies of the mail that Person A was trying to steal; and a copy of Sergeant Edmund Fong's memo book. Thus Person A had a desire for stealing identifications, not just Department identifications.

After Person A's arrest in January 2009, Ward made an inventory of the items recovered during the execution of the search warrant of [REDACTED]'s apartment. Recovered were: counterfeit government ID cards; over 250 personal identifiers; check stocks with names and account numbers; a computer tower and laptop; memory sticks; a PVC machine for producing ID cards; a heat seal laminating machine; two color scanners; a bail bondsmen shield; blank white cards with a magnetic strip; four Department replica ID cards (the same photo appeared on each one with the names Person H, Person I, Person J, and Person K); a Department shirt; a photo of Person A wearing a Department shirt along with an unidentified female.

The Department's Fraud Investigations unit also recovered more information from Person A. Person A had information on 700 separate employees and customers in several states from the following businesses: Tatacon Incorporated, Zith Holdings, and Bank of America. Person A had extensive information on the employees and customers which included: dates of birth, social security numbers, salaries, home addresses, copies of paychecks, e-mail addresses, bank account numbers, ATM card numbers, PIN numbers, security questions and answers. In addition, he had personal customer

information on 19, separate banks including: Wells Fargo, Fifth Third Bank, and Heartland Bank.

There is obviously a great deal of information contained in all of this evidence. In analyzing how this evidence relates to the specific charge it must first be determined what evidence there is of the actions attributable to Respondent which could be deemed "facilitating" criminal conduct by Person A.

The specific allegation is the claim that Respondent somehow aided in the purchase of a firearm back in 1992. As has been previously explained this could not have occurred at that time and even if it had happened at some later date there is nothing but Person A's uncorroborated hearsay declaration. Moreover, given Person A's criminal history his statement is inherently unreliable.

Person B's hearsay statements about Person A's use of Respondent's gun appear to be based on information provided by Person A and are again unreliable and uncorroborated.

Person B hearsay statement that the Respondent provided her ID card to Person A so that he could make duplicate ID cards is also apparently based on information provided by Person A. With regard to this the Department has provided some evidence which might be considered on the issue of corroboration. On one of the blank ID cards (DX 3) recovered from Person A, there is a partial date of birth on the back. This date of birth lists only the number of the month [redacted] for [redacted]. The remainder of the date is blanked off. Ward testified that Respondent has an [redacted] birthday.

Whether this is sufficiently convincing corroboration will be discussed later in this decision.

Another allegation was part of the investigation conducted by Ward. Ward contacted the shield desk to determine the expiration year on Respondent's Department ID card. She learned that Respondent's ID expired in 2011 and all of the IDs in Person A's possession had an expiration year of 2011. The Court takes judicial notice of the fact that on or about March 2011 the Chief of Personnel sent out notices to varying Departmental commands regarding renewal of Department ID cards. In one such memorandum, the Chief of Personnel referenced that approximately 15,000 Department ID cards will be expiring in the year 2011. This number represents approximately one-fourth of the Police Department workforce. To try to draw any conclusion from Respondent's ID expiration date and the fake ID expiration dates in Person A's possession is without merit given this information.

Similarly, to draw any reasonable inference from the [REDACTED] on a partial date of birth on a blanked off ID card and Respondent's date of birth in [REDACTED] is also insufficient corroboration to be given any consideration.

The next, and most serious allegation, is that Respondent provided Person C's personal information, including his driver's license, and home address to Person A, who used this information to create fake ID cards. In another proffer Person A entered into on August 31, 2009, Person A stated that Respondent provided him with Person C's information for the purpose of him creating an ID card. Given the unreliability of a statement from Person A, corroboration of this information must be found from other sources. Ward testified that during the course of her investigation, she reviewed the evidence received from the execution of a search warrant at Person A's residence by the Document Fraud Investigations Unit. Four Department replica IDs with a black, female

on the IDs and other social security numbers, check stocks and other documents were recovered, but no information related to Person C was recovered.

However, Ward reviewed the documents maintained by IAB Group 51, the Impersonations Unit. They had documents from Person A's arrest in 2006. When Ward reviewed copies of those documents, it contained the front and back of a New York State driver's license with Client ID No. [REDACTED] and the name Person C. Ward did a background check on not only the client ID number, but also the address and they both came back to a police officer Person C who came on the job in 2006 and who was a candidate that Respondent had investigated in 2005 prior to his employment by the Department. What must be noted is that Ward provided the ICO of APD a list of all of the names that were recovered from all of the ID cards to cross reference APD's applicant list. The one that checked out was the one where Person C was the applicant and Respondent was his investigator. Ward then ran a DMV check herself of the names and ID numbers and found that most of the names and ID numbers were invalid. Ward found that the only valid name and ID number that checked out belonged to Person C. The address came back to the address Person C used when he started the application process to be a police officer.

IAB also recovered a replica Department ID card for Person C which contained the photograph of Person A, but the correct date of birth for Person C of [REDACTED]. (DX 4).

One of Ward's next steps was to conduct an official Department interview of Respondent. Respondent initially began the interview by stating that she had not seen Person A in over ten years. Her interview was held on July 7, 2009, so she was placing

her last contact with Person A back in 1999. Respondent was also asked if she was aware of Person A's criminal arrest history. Respondent stated that she knew he had been arrested in the past, but she did not know why he had been arrested. Both of these answers by Respondent were clear fabrications. Ward presented Respondent with telephone records indicating that there had been 26 phone calls between them from April 2008 to January 2009. Respondent then admitted that she had spoken to Person A.

Respondent then told Ward that her identity had been compromised, so she contacted Person A in October or November 2008 to inquire about one of her credit card accounts. Ward asked Respondent why she would contact Person A if she did not know about his arrest history. It was at that point that Respondent admitted that she knew Person A had been arrested in the past for fraud.

What can be gleaned from this investigation into whether Respondent provided Person A with Person C's information is that Respondent was not straight forward with the Department at the commencement of her official Department interview. Respondent also had a clear opportunity to provide Person A with Person C's information. She worked for APD and had access to Person C's personal information, which was the only personal Department member of the service information that Person A had in his possession. However, opportunity and suspicion are insufficient to establish this charge. For one, this Court is unable to rule out with a reasonable degree of certainty that Person A did not get the information on Person C from another source given the fact that Person A is an experienced identity thief who possessed a substantial amount of information on people from various military, corporate and other backgrounds.

Secondly and more importantly, opportunity and suspicion do no make out the elements of criminal facilitation. Respondent was only charged with respect to Person C with the Penal Law charge of criminal facilitation. There were no accompanying Department violations. Penal Law § 115 states in pertinent part that a person is guilty of criminal facilitation in the fourth degree when believing it probable that he is rendering aid: 1. to a person who intends to commit a crime, he engages in conduct which provides such person with means and or opportunity for the commission thereof and when in fact, aids such person to commit a felony. The New York Court of Appeals has held: "There are three elements to the offense: (1) the actor must have had a belief that it was probable that he or she was rendering aid to a person intending to commit a crime; (2) he or she must have engaged in conduct which provided the means or opportunity for the commission of the crime; and (3) his or her conduct must have been such that it did, in fact, aid the other to commit a felony." (See Matter of Luis O., 29 A.D.3d 377, 815 N.Y.S.2d 57 [First Dept. 2006].

It must be established that Respondent: 1) had a belief that it was probable that by providing Person C's information to Person A, Respondent was rendering aid to Person A who was a person intending to commit a crime; 2) that Respondent must have engaged in conduct which provided the means and opportunity for the commission of the crime; and (3) Respondent's conduct did, in fact, aid Person A to commit a felony. In Person A's arrest for burglary at a postal facility, the evidence established that when he was stopped by a postal police officer, Respondent was already in possession of postal mail that was not addressed to him. He was charged with the crime of burglary. None of the evidence presented by the Department established how Person A gained entry into the postal

facility in the first place. The Court cannot assume that he showed a New York City Police Department ID card to gain access to a federal postal facility. It is possible that Person A entered the facility through a window and that resulted in the burglary charge. In either case, it was not established by the Department how Person A gained access in the first place to commit that crime.

Although Person A showed an ID card to the postal police and said he was a police officer, he was using the ID at that time in an attempt to get away following the commission of the felony charge of burglary. There was no evidence presented to establish how Respondent aided Person A in the commission of this burglary and stealing mail. The Court of Appeals has held that you need more than a casual act that brings about the commission of the crime (See People v. Jennings, 98 Misc. 2d 1015, 415 N.Y.S.2d 174 [Supreme Court, New York, New York County 1979] cited by Court of Appeals in People v. Llanos, 77 N.Y.2d 866 (1991)). The Court of Appeals also held that one of the basic elements required by the criminal facilitation statute is the element of intent. People v. Charles Steven Gordon, 32 N.Y.2d 62, 66 (1991). The Department also failed to establish how Respondent's conduct displayed her intent to engage in criminal impersonation. The Court has already found that there was insufficient evidence to show that Respondent gave Person C's information to Person A or how Respondent had the specific intent to engage in criminal impersonation. That is, the Department failed to establish how any act of Respondent was the instrumentality by which Person A was able to commit a felony—either the burglary or criminal impersonation. Absent this, the Department is unable to make out a *prima facie* case for criminal facilitation in the fourth degree against Respondent.

Accordingly, based on the lack of evidence to establish each element of the crime of criminal facilitation in the fourth degree, Respondent is found Not Guilty of Specification No. 2.

Specification No. 3

Respondent stands charged herein in that while assigned as indicated in Specification No. 1, on or about June 10, 2009, did fail and neglect to properly safeguard her service firearm, to wit, Sig Sauer Serial # U512252.

Respondent having pleaded Guilty to this Charge and Specification is found Guilty. Evidence adduced at trial established that when Ward wanted to remove Respondent's only firearm to test it for ballistics, Respondent said it was at her residence. Ward accompanied Respondent to her residence and the firearm was recovered from off the floor beneath some clothing in her house. Respondent explained that she placed her gun there following a funeral so that house guests did not see her putting it in her safe, but she forgot to move it later. This explanation does not obviate the manner in which Respondent chose to secure her firearm at her residence.

Accordingly, because Respondent pleaded Guilty to Specification No. 3, she is found Guilty of Specification No. 3.

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See Matter of Pell v. Board of Education, 34 N.Y.2d 222 (1974). Respondent was appointed to the Department on August 30, 1993. Information from her personnel

folder that was considered in making this penalty recommendation is contained in the attached confidential memorandum.

Respondent has pleaded Guilty to criminal association by making phone calls to Person A; a childhood friend that she knew had a criminal record. In addition, she has pleaded Guilty to failing to safeguard her weapon. In Disciplinary Case No. 81740/06, signed April 30, 2007, a 17-year member with one prior disciplinary adjudication having pleaded Guilty forfeited 30 vacation days for continuing to associate with a childhood friend after the friend was arrested and pleaded guilty to a felony. Moreover, Respondent in that matter wrote a character reference letter on the friend's behalf. Although the letter was not written on Department letterhead, Respondent in that matter identified himself in the letter as a Department member. In Disciplinary Case No. 85245/09, signed January 20, 2010, a 14-year police officer with one prior adjudication negotiated a penalty of 30 vacation days for criminal association. Respondent in that matter was involved in a relationship with an individual knowing that this person had a long criminal record. In Disciplinary Case No. 85277/09, signed June 9, 2010, an 11-year sergeant with no prior disciplinary record negotiated a penalty of 20 vacation days for leaving his off-duty firearm in a hotel bathroom. In Disciplinary Case No. 85984/09, signed June 15, 2010, a nine-year detective with no prior disciplinary record negotiated a penalty of 20 vacation days for storing her firearm in the center console of a vehicle.

Although at the conclusion of this matter, this Court is left with insufficient evidence to establish Respondent's guilt in Specification No. 2 by a preponderance of the evidence, the Court is still left with unanswered questions. Respondent pleaded Guilty to criminal association with Person A, yet there was no explanation as to why there were

26 phone calls between them during the period April 2008 through January 2009.

Respondent testified before this Court that Person A would reach out to her every time he was released from prison to see how she was doing and the contact would be brief. Even though the telephone calls were short in duration, there was an inordinate amount of phone calls between them begging the question, what did they talk about? In addition, of the 26 phone calls made, the Department was able to confirm that at least six of them were made to Person A by Respondent.

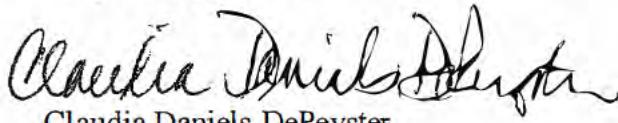
By this time period, April 2008 to January 2009, Respondent was a seasoned police officer and she should have known the ills of associating with a criminal, especially one with the reputation that Person A had. In fact, she did seem to know because as she began her official Department interview, she lacked candor as she spoke with Ward. She stated that she had not seen Person A in ten years and had not known what his arrest was for. She later recanted when presented with the telephone records and the fact that she contacted Person A when her credit was compromised.

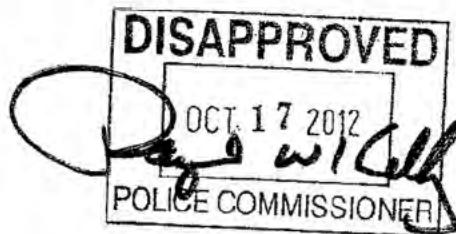
In addition to all of this, Respondent in a controlled call made by Ward gave a character reference for Person A, a convicted felon when she believed Ward was his parole officer. Furthermore, although it was not fleshed out at trial, Person B did have Respondent's license plate number and it was never ascertained how she obtained it. Did she get it from seeing Respondent's car at Person A's home? Because of the continued criminal association, in addition to Respondent's service record and the penalty recommendation in the cited cases, this Court believes that a period of monitoring of Respondent's conduct is warranted. Even if Person A were a childhood friend, the

nature of his arrests and felony convictions should have swayed Respondent away from continuing to be in contact with him.

Accordingly, I recommend that Respondent be DISMISSED from the New York City Police Department but that her dismissal be held in abeyance for a period of one year pursuant to section 14-115 (d) of the Administrative Code, during which time she remains on the force at the Police Commissioner's discretion and may be terminated at any time without further hearings. I further recommend that she forfeit 50 vacation days.

Respectfully submitted,

  
Claudia Daniels DePeyster  
Assistant Deputy Commissioner – Trials



POLICE DEPARTMENT  
CITY OF NEW YORK

From: Assistant Deputy Commissioner – Trials

To: Police Commissioner

Subject: CONFIDENTIAL MEMORANDUM  
POLICE OFFICER TAMMY HUDSON-SAVAGE  
TAX REGISTRY NO. 914500  
DISCIPLINARY CASE NO. 85817/09

In 2010, Respondent received an overall rating of 4.0 "Highly Competent" on her annual performance evaluation. In 2009, she received a rating of 3.5 "Above Competent" and in 2008, she received a rating of 4.0 "Highly Competent." Respondent received one Meritorious Police Duty medal in her career.

In almost 18 years of service, [REDACTED]

In October 1997, Respondent received Charges and Specifications for: wrongfully filing a false report in reference to her service revolver; engaging members of the service to conduct an investigation based on a false complaint of robbery; making a false statement to a captain; making a false statement during a Department investigation; wrongfully storing her firearm in an unattended vehicle; and failure to report for suspension disposition. Respondent received a disposition of the forfeiture of all time, pay and benefits from October 1994 through February 22, 1995 and one-year additional probation.

On November 19, 2009, Respondent was transferred for cause from the Applicant Processing Division to the 32 Precinct based on the allegations of criminal association and criminal facilitation contained in this matter. On January 7, 2010, Respondent was placed in Level II Discipline Monitoring based on her overall record.

For your consideration.

Claudia Daniels-DePeyster  
Assistant Deputy Commissioner – Trials